



16711 U.S. PTO

Practitioner's Docket No. D-1079 DIV3

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): James A. Michael, David T. Frederick, H. Thomas Graef

For (title): Apparatus for Dispensing Medical Items

1. Type of Application

This transmittal is for a Divisional application.

2. Benefit of Prior U.S. Application(s) (35 U.S.C. 119(e), 120, or 121)

This application is a divisional of U.S. Application No. 09/921,014 filed August 2, 2001, which is a continuation of U.S. Application No. 09/384,650 filed August 27, 1999, which is a divisional of U.S. Application No. 08/879,997 filed June 20, 1997, which claims the benefit of U.S. Provisional Application No. 60/045,137 filed April 30, 1997.

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) AND 1.10*
(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

[X] deposited with the United States Postal Service in an envelope addressed to the Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
37 C.F.R. Section 1.8(a) 37 C.F.R. Section 1.10*

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(mandatory)

TRANSMISSION

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Date: 1/15/2004

Signature

Ralph E. Jocke

(type or print name of person certifying)

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"Since the filing of correspondence under [Section] 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

3. **Papers Enclosed**
- A. Required for filing date under 37 C.F.R. 1.53(b) (Regular) or 37 C.F.R. 1.153 (Design) Application
- 39 Pages of Specification
12 Pages of Claims
18 Sheets of Drawing(s) – Formal
- B. Other Papers Enclosed
- 7 Pages of declaration and power of attorney
1 Page of abstract
5 Pages of Application Data Sheet
1 Page of Non-Publication Request
4. **Additional papers enclosed**
- Amendment to claims
- Cancel in this application claims 2-28 before calculating the filing fee.
- Preliminary Amendment (11 pages)
- Information Disclosure Statement (37 C.F.R. § 1.98)
- For PTO-1449 (PTO/SB/08A and 08B)
5. **Declaration or Oath**
- Copy of Declaration filed in parent Application.
Executed by:
inventors
6. **Inventorship Statement**
- The inventorship for all the claims in this application will be submitted upon request.
7. **Language**
- English

8. Fee Calculation (37 C.F.R. Section 1.16)

Regular Application

CLAIMS AS FILED					
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 CFR 1.16(a) \$770.00
Total Claims (37 CFR 1.16(c))	1	- 20 =	0 x	\$18.00	\$0.00
Independent Claims (37 CFR 1.16(b))	1	- 3 =	0 x	\$86.00	\$0.00
Multiple Dependent Claim(s), if any (37 CFR 1.16(d))			+	\$280.00	\$0.00

* A request to cancel extra claims 2-28 before calculating the filing fee is enclosed.

Filing Fee Calculation \$770.00

9. Small entity Statement

This is a filing by a small entity under 37 C.F.R. § 1.9 and 1.27. Applicant is a small entity.

Filing Fee Calculation (50% of above)

\$385.00

10. Fee Payment Being Made at This Time

Enclosed

Filing Fee

\$385.00

11. Method of Payment of Fees

Charge Account No. 10-0637 in the amount of \$385.00.
A duplicate of this transmittal is attached.

12. Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 10-0637.

37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)

37 C.F.R. Section 1.16(b), (c) or (d) (presentation of extra claims)

37 C.F.R. Section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

37 C.F.R. Section 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a))

37 C.F.R. Section 1.17 (application processing fees)

13. Instructions as to Overpayment

Credit Account No. 10-0637.



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
James A. Michael, David T. Frederick)
H. Thomas Graef)
Serial No.: (unknown))
Filed: Herewith)
Title: Apparatus for Dispensing Medical Items)

Non-publication Request Pursuant to 37 C.F.R. § 1.213


Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

THE ABOVE-REFERENCED APPLICATION FILED HERewith IS NOT TO BE
PUBLISHED UNDER 35 U.S.C. § 122(b).

It is hereby certified that the invention disclosed in the above-referenced application has not been and (unless this non-publication request is first rescinded in accordance with 37 C.F.R. § 1.213(b)) will not be the subject of an application filed in another country, or filed under a multilateral agreement, that requires publication of the application at eighteen (18) months after filing.

Respectfully submitted,



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